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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,006	01/20/2004	Toshinori Nagahashi	118385	6839
25944	7590	12/01/2005		
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			EXAMINER LIOU, JONATHAN	
			ART UNIT 2663	PAPER NUMBER

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/759,006	NAGAHASHI ET AL.	
	Examiner	Art Unit	
	Jonathan Liou	2663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/08/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/08/2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Office action is in response to applicant's paper filed 9/08/2005. Claims 1-8 as amended are currently pending in the application. Applicant has amended claims 5 and 6. Claims 1-8 stand rejected.

Claim Objections

2. Claim 6 is objected to because of the following informalities: Claim 6 should be written in more proper format. The examiner suggests the applicant to change the preamble of claim 6 as following:

A computer executable program stored in the readable storage medium for implementing editing device which trims an image, wherein the computer executable program comprising.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1-3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onoda U.S. Pat. 6,169,544 B1, in view of Imaizumi et al U.S. Pat. 5,430,832.

5. In regards to claim 1 and 5, Onoda teaches a noticing area calculating section, a template selecting section, and an image processing section for enlarging, contracting, and rotating. He also provides the method of how to perform those sections (col 4-6 Onoda.) Although Onoda teaches the editing and trimming, he has not explicitly described the designating sections and methods of a trimming rule and trimming shape recited in the claim 1 and 5. However, Imaizumi teaches that a trimming function and trimming frame, which perform the same functionalities as a trimming rule and trimming shape recited in the claim 1 and 5.

Onoda teaches a frame designation portion (4 FIG.1 Onoda) for assigning an image into the layout area for layout compensation operations, which performs a trimming operation (col 4, lines 4-37 Onoda.); hence, the frame designation in the reference of Onoda performs the same function as a noticing area calculating section. Onoda also teaches a template selection portion for selecting a designated template from a plurality of template groups, which stores in the external memory device (col 4, lines 1-4 Onoda.) Hence, a template selecting portion performs the same functions as a template selecting section recited in the claim 1 and 5. He also teaches that a frame layout have a error calculating section for calculating the aspect ratio information of a image in the frame portion in the layout area or the template (FIG. 2, col 4, lines 46-67, and col 5, lines 1-60 Onoda.) Further, Onoda's image editing device also provide a processing section for an image, and the processing section includes enlarging, contracting, and rotating the image, the panorama-size image scope, which is equivalent to the trimming scope, and the template; then, those functionalities adjust the

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distribution ratio of the layout area in the template to the method for trimming (col 4-6 Onoda.)

Imaizumi et al. teaches the state of trimming in an image editing apparatus having the function of trimming for trimming an image (col 3, lines 9-51 Imaizumi et al.), and the trimming frame corresponds to the size of the original image and the scope of trimming could be easily changed, improving convenience in use (col 3, lines 24-61, Imaizumi et al.) The state of trimming and the trimming frame in the reference Imaizumi et al. perform the same functionalities as trimming rule and trimming shape recited in the claim 1 and 5.

Further, Imaizumi et al. teaches that his present invention is to improve convenience in use of an image editing apparatus having the function of trimming (col3, lines 12-14 Imagism et al.) Since Imaizumi et al. suggests that his invention could improve the image edit device having the trimming device, Onoda's device could have the same improvement by Imaizumi et al.'s teaching. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Onoda's image edit device over Imaizumi et al.'s teaching because the improvement of Imaizumi et al. would provide more flexibility for trimming the image on the Onoda's image editing device. Moreover, the reference of Onoda does teach the editing function and trimming functions (col 4-6 Onoda.)

6. In regards to claim 2-3, Imaizumi et al. further teaches that the trimming image is positioned at the center of the sheet, and the trimming area is automatically changed with the sheet (col 11, 12 Imaizumi et al.) Hence, an image editing device of Onoda in

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view of Imaizumi et al. also provide the feature of aligning a center of the layout area and center of the template, and that performs the same functions as claim 2 recited. Further, Imaizumi et al. teaches the trimming image is positioned at the center of the sheet, which is rectangle shape, and the layout area and template for the image are inside of the area of the sheet. It is well known by crossing point of diagonal lines of a rectangle to find a center point of the object that surrounds by a rectangle, such as a sheet. Following the same rationale, basis, and motivation as applied to claim 1 in the office action, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a center aligning section and method of finding the center point on the image edit device of Onoda in view of Imaizumi et al's improvement because the aligning center of Imaizumi et al's can keep the balance of enlarging, contracting, and rotating in Onoda's device (col 11 Imaizumi et al.)

7. Claim 4, and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onoda U.S. Pat. 6,169,544 B1, in view of Imaizumi et al. U.S. Pat. 5,430,832 as applied to claim 1-3 above, and further in view of Tanaka JP A 2001-126070.

8. The image edit device of Onoda in view of Imaizumi et al.'s teaching provides the limitations in the recited claimed 1-3. Their device lacks the feature of a noticing area threshold section recited in the claim 4 and 7-8. Nevertheless, Tanaka teaches determining the degree of attractions by using automatic composition decision equipment, which could determine the good composition of balance on the image automatically by comparing a subject image with the reference. Those attraction of the

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information on the image is lower than reference are cutoff from the image (see Tanaka reference.) Hence, the decision equipment of Tanaka provides the same functions as a noticing area threshold section recited in the claim 4 and 7-8. Although Onoda and Imaizumi et al does not talk about the threshold section, Onoda teaches a layout imbalance detection portion (col 4 Onoda), which has to have prior reference stored as the threshold mentions in the claim 4 and 7-8 in order to detect imbalance of the layout section. However, Tanaka gave the better representation of determining a reference for finding the attractive area. Since the device of Onoda in view of Imaizumi et al. and Tanaka's teaching teaches all of the limitations recited in the claim 4 and 7-8, it would have been obvious to one of ordinary skill in the art at the time the invention was made to improved the device of Onoda in view of Imaizumi et al. with Tanaka's teaching because determining a threshold with reference for the layout area is essential for the Image trimming device and Onoda does explicitly talks about a layout imbalance detection portion, which also need a reference to determine if a layout is imbalance (col 4 Onoda.)

Response to Arguments

9. Applicant's arguments filed 09/08/2005 have been fully considered but they are not persuasive. Applicant argues, "Imaizumi does not cure the deficiency." (page 8, applicant response.) The examiner could not understand what deficiency the applicant are implied unless applicant specifically point out which deficiency regarding to the claim invention has not taught by the cited references.

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In addition, applicant argues, "Tanaka does not disclose adjusting the shape of the designated trimming scope and the distribution ratio of the noticing area in the template, as shown in Figs 9A-10C of the present application." (On page 8, applicant response.) The feature above is regarding to claim 1, which is rejected based on Onoda, in view of Imaizumi et al. The examiner use Tanaka reference to teach the claim feature a noticing area threshold section as claimed in the claims 4 and 7-8. Tanaka teaches the cutoff means which could be interpreted as the threshold section as claimed (See sec [0013]-[0021], Tanaka.) Moreover, Imaizumi et al. teaches adjusting the shape of designated trimming shape (col 3, lines 24-37, Imaizumi et al.) and Onoda also teaches adjusting the aspect ration of layout area (See col 4, lines 46-67, Onoda.)

In view of above-mentioned discussion, examiner believes the present claimed invention of applicant has been taught by the cited reference.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Liou whose telephone number is 571-272-8136. The examiner can normally be reached on 8:00AM - 5:00PM Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jonathan Liou

11/21/2005


RICKY Q. NGO
SUPERVISORY PATENT EXAMINER